



Via Facsimile, Email, & U.S. Mail

April 3, 2008

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**Re: Request for Public Hearing – Foothill/Eastern Transportation
Corridor Agency Petition for Override of California Coastal Commission
Objection to Consistency Certification [FR Doc. E8-5247]**

Dear Mr. Street:

Pursuant to 15 C.F.R. § 930.128(d), the undersigned organizations, on behalf of their millions of members, formally request a public hearing in the above-referenced appeal. The Foothill-South Toll Road (“Toll Road”) is one of the most controversial projects in California. Among other things, the Toll Road would run through the length of San Onofre State Beach – the 6th most popular State Park in California, visited by 2.4 million visitors each year – and, according to California State Parks staff, would likely require abandonment of approximately 60% of the park. It is imperative that the Secretary hold a public hearing – and that the hearing be held in Southern California -- to allow the public’s voice to be heard.

With this appeal, the Foothill/Eastern Transportation Corridor Agency (“TCA”) seeks to revive its plan for the Toll Road – a plan that was soundly rejected by the California Coastal Commission for its serious and unmitigable conflicts with the enforceable policies of California’s coastal program. The six-lane highway would traverse four miles through the park at San Onofre, bisecting it from top to bottom, destroy 50 acres of environmentally sensitive habitat, fill coastal wetlands, degrade water

quality, harm historic Native American cultural resources and alter the hydrology of the watershed, which would jeopardize the unique, world-renowned surf break at Trestles Beach.

The Toll Road is simply the most senseless infrastructure project in California today. Its construction and operation would harm irreplaceable coastal resources and severely curtail coastal access, impacting millions of Californians who use and enjoy the Park. The project is also the first time in California that a local agency has taken State parkland for its own infrastructure use, setting a precedent for other significant encroachments on park lands throughout the state and violating the fundamental principle that lands of ecological importance and natural beauty should be protected, to be enjoyed by future generations.

As a result of the devastating impact it would have on San Onofre, the Toll Road has generated intense public controversy and widespread opposition. Two lawsuits have been filed against the project by the California Attorney General on behalf of the California State Parks Commission, the California Native American Heritage Commission, and the People of the State. And public opposition to the project has been overwhelming. When, prior to filing its lawsuit, the State Parks and Recreation Commission held a hearing in 2005, over 1,000 people attended and urged them to stop the project. For the Coastal Commission hearing on February 6th, an estimated 3,500 people – the vast majority opposed to the plan -- attended, resulting in the largest public turnout in the Commission's history. It would be unthinkable to deny a public hearing on a matter of such demonstrated public concern.

In a dismaying testament to TCA's consistent failure to address the public's concerns regarding this Toll Road, in a letter dated March 28, TCA urges the Commerce Department to deny the public a hearing on the appeal. This remarkable request is not based on the absence of controversy in this project, but on the very *existence* of controversy. TCA claims that providing a forum to the public will "drown out" discussion of the project. In fact, it is TCA – which has spent hundreds of thousands of dollars of public money on public relations and lobbying firms in an effort to promote the project -- that is seeking to drown out meaningful discussion by foreclosing an important public forum on the issues raised by its appeal.

TCA's assertion that supporters of the project did not receive an equal opportunity to speak at the Coastal Commission's hearing is false. The hearing lasted 14 hours, and, as revealed by the hearing transcript, elected officials and members of the public – supporters and opponents alike -- were provided the same opportunity to address the Commission. At the beginning of the hearing, the Chair made clear that public testimony would be curtailed at some later point in the evening in order to allow the Commissioners time to deliberate and vote. When it became clear that public testimony could easily extend beyond midnight, hundreds of Toll Road opponents who had yet to speak voluntarily ceded their time to the Commission. Supporters of the Toll Road made no

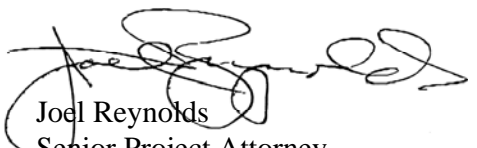
similar gesture and continued to testify until the Chair announced that it was time for deliberations to commence.

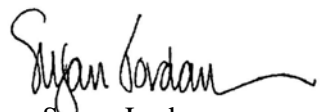
There is also no merit to TCA's claim that the hearing location was "calculated to maximize attendance" by Toll Road opponents. After it became apparent that the original hearing location, Oceanside City Hall, could not accommodate the anticipated number of attendees, the Del Mar Fairgrounds was chosen, as it was the closest location that had the necessary capacity. TCA agreed to this new location in advance. Furthermore, TCA fails to explain how, in any case, it was more difficult for Toll Road supporters to attend the hearing than opponents, nor does it identify any alternative location that should have been considered. Rather, it appears to be suggesting that it would have been preferable if the hearing had been held in a forum that was more difficult for opponents to attend. Thus, TCA's suggestion that it was prejudiced by a "calculated" effort by the Coastal Commission to hold the hearing at the Fairgrounds is simply untrue.


Moreover, the fact that some interested members of the public were unable to speak before the Commission is a reason that the Secretary should *grant* a hearing, not deny one. A hearing would provide both proponents and opponents of the Toll Road equal opportunity to present their views. TCA's objection to a public hearing in spite of this opportunity demonstrates that it seeks not to ensure a fair airing of the issues, but to silence the many voices that wish to speak out against the project. And it reflects the agency's unspoken recognition that as the public's understanding of this senseless project grows so, too, does the public's opposition to it.


Given the enormous controversy this project has created, we urge the Secretary to schedule a public hearing in this matter. Further, to increase the likelihood that affected members of the public will be able to observe and participate in the proceedings, we also respectfully request that this hearing take place in Southern California.

Very Truly Yours,


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